

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02426-EGS**

CENTER FOR PUBLIC INTEGRITY v. U.S. DEPARTMENT
OF COMMERCE et al

Assigned to: Judge Emmet G. Sullivan

Case: 1:18-cv-01077-EGS

Cause: 05:552 Freedom of Information Act

Date Filed: 11/09/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR PUBLIC INTEGRITY

represented by **Peter Newbatt Smith**
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ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

represented by **Paul Cirino**
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TERMINATED: 12/20/2018

Defendant

**U.S. OFFICE OF GOVERNMENT
ETHICS**

represented by **Paul Cirino**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
(See above for address)
TERMINATED: 12/20/2018

Date Filed	#	Docket Text
11/09/2017	<u>1</u>	COMPLAINT against ALL DEFENDANTS (Filing fee \$ 400 receipt number 0090-5199862) filed by CENTER FOR PUBLIC INTEGRITY. (Attachments: # <u>1</u>

		Civil Cover Sheet, # <u>2</u> Summons to Dept. of Commerce, # <u>3</u> Summons to OGE, # <u>4</u> Summons to U.S. Attorney, # <u>5</u> Summons to Attorney General)(Smith, Peter) (Entered: 11/09/2017)
11/09/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR PUBLIC INTEGRITY (Smith, Peter) (Main Document 2 replaced on 11/30/2017) (znmw). (Entered: 11/09/2017)
11/09/2017		Case Assigned to Judge Emmet G. Sullivan. (md) (Entered: 11/13/2017)
11/13/2017	<u>3</u>	SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 11/13/2017)
11/14/2017	<u>4</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 11/14/17. (Attachment: # Exhibit 1) (mac) (Entered: 11/14/2017)
11/15/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/14/2017. Answer due for ALL FEDERAL DEFENDANTS by 12/14/2017. (Smith, Peter) (Entered: 11/15/2017)
11/28/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF COMMERCE served on 11/27/2017; U.S. OFFICE OF GOVERNMENT ETHICS served on 11/17/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/27/2017. (Attachments: # <u>1</u> Exhibit USPS Tracking Info – Commerce, # <u>2</u> Exhibit USPS Tracking Info – OGE, # <u>3</u> Exhibit USPS Tracking Info – Attorney General)(Smith, Peter) (Entered: 11/28/2017)
12/05/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. (Attachments: # <u>1</u> Exhibit 1 – USPS Tracking Info – OGE, # <u>2</u> Exhibit 2 – Returned Envelope)(Smith, Peter) (Entered: 12/05/2017)
12/14/2017	<u>8</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS (Kolsky, Joshua) (Entered: 12/14/2017)
12/14/2017	<u>9</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS.(Kolsky, Joshua) Modified to add link on 12/15/2017 (znmw). (Entered: 12/14/2017)
02/12/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than March 12, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 2/12/2018. (lcegs3) (Entered: 02/12/2018)
02/12/2018		Set/Reset Deadlines: Joint Proposed Scheduling due by 3/12/2018. (mac) (Entered: 02/12/2018)
03/12/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 03/12/2018)

03/14/2018		MINUTE ORDER in view of <u>10</u> joint status report, the parties are directed to adhere to the following schedule. The defendants shall release any responsive, non-exempt portions of its referred record by April 6, 2018; the defendants shall file a motion for summary judgment by May 11, 2018; the plaintiff shall file an opposition and any cross-motion for summary judgment by June 1, 2018; the defendants shall file a reply and an opposition by June 22, 2018; the plaintiff shall file a reply by July 6, 2018. Signed by Judge Emmet G. Sullivan on 3/14/2018. (lcegs3) (Entered: 03/14/2018)
03/14/2018		Set/Reset Deadlines: Defendants Motion For Summary Judgment due by 5/11/2018. Plaintiff Opposition And Any Cross-Motion For Summary Judgment due by 6/1/2018. Defendants Reply and Opposition due by 6/22/2018. Plaintiff Reply due by 7/6/2018. (mac) (Entered: 03/14/2018)
04/26/2018	<u>11</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 04/26/2018)
05/01/2018	<u>12</u>	Memorandum in opposition to re <u>11</u> MOTION for Extension of Time to File <i>Summary Judgment Motion</i> filed by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 05/01/2018)
05/01/2018		MINUTE ORDER notwithstanding <u>12</u> plaintiff's opposition, the Court hereby grants <u>11</u> defendants' motion for extension of time to file its summary judgment motion for good cause shown. The defendants shall therefore file their summary judgment motion by no later than June 15, 2018. Plaintiff's opposition and any cross-motion for summary judgment shall be filed by July 16, 2018. The defendants shall file a reply and opposition by August 6, 2018 and plaintiff shall file a reply by August 27, 2018. Signed by Judge Emmet G. Sullivan on 5/1/2018. (lcegs3) (Entered: 05/01/2018)
05/02/2018		Set/Reset Deadlines: Defendant Summary Judgment Motion due by 6/15/2018. Plaintiff Opposition And Any Cross-Motion For Summary Judgment due by 7/16/2018. Defendant Reply And Opposition due by 8/6/2018. Plaintiff Replies due by 8/27/2018. (mac) (Entered: 05/02/2018)
06/15/2018	<u>13</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration (Maggi), # <u>3</u> Exhibit 1 to Maggi Decl., # <u>4</u> Exhibit 2 to Maggi Decl., # <u>5</u> Declaration (Dowell), # <u>6</u> Exhibit 1 to Dowell Decl.)(Kolsky, Joshua) (Entered: 06/15/2018)
07/13/2018		MINUTE ORDER denying without prejudice <u>13</u> defendants' motion for summary judgment for failure to comply with paragraph 13 of <u>4</u> the Court's standing order governing civil cases. The plaintiff's deadline to respond to the defendants' motion is hereby VACATED. The parties are directed to submit a proposed schedule for rebriefing summary judgment by no later than August 1, 2018. Signed by Judge Emmet G. Sullivan on 7/13/2018. (lcegs3) (Entered: 07/13/2018)
07/13/2018		Set/Reset Deadlines: Proposed Schedule For Rebriefing Summary Judgment due by 8/1/2018. (mac) (Entered: 07/13/2018)
08/01/2018	<u>14</u>	PROPOSED BRIEFING SCHEDULE (<i>Joint</i>) by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 08/01/2018)
08/03/2018		MINUTE ORDER in view of <u>14</u> joint proposed schedule, the parties are ordered to adhere to the following schedule: defendants shall file a renewed motion for summary judgment by September 3, 2018; plaintiff shall file an opposition and cross motion for summary judgment by September 17, 2018; defendants shall file a reply and opposition by October 8, 2018; and plaintiff shall file a reply by October 22, 2018. Signed by Judge Emmet G. Sullivan on 8/3/2018. (lcegs3) (Entered: 08/03/2018)
08/03/2018		Set/Reset Deadlines: Defendants Renewed Motion For Summary Judgment due by 9/3/2018. Plaintiff Opposition And Cross Motion For Summary Judgment due by 9/17/2018. Defendants Reply And Opposition due by 10/08/2018. Plaintiff Reply due by 10/22/2018. (mac) (Entered: 08/03/2018)
09/03/2018	<u>15</u>	Renewed MOTION for Summary Judgment by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS (Attachments: # <u>1</u> Text of

		Proposed Order, # <u>2</u> Declaration (Maggi), # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Declaration (Dowell), # <u>6</u> Exhibit 1, # <u>7</u> Statement of Facts)(Kolsky, Joshua) (Entered: 09/03/2018)
09/17/2018	<u>16</u>	Cross MOTION for Summary Judgment by CENTER FOR PUBLIC INTEGRITY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Text of Proposed Order)(Smith, Peter) (Entered: 09/17/2018)
09/17/2018	<u>17</u>	Memorandum in opposition to re <u>15</u> Amended MOTION for Summary Judgment filed by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 09/17/2018)
10/08/2018	<u>18</u>	REPLY to opposition to motion re <u>15</u> Amended MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Statement of Facts)(Kolsky, Joshua) (Entered: 10/08/2018)
10/08/2018	<u>19</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendants' Renewed Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Statement of Facts)(Kolsky, Joshua) (Entered: 10/08/2018)
10/22/2018	<u>20</u>	REPLY to opposition to motion re <u>16</u> Cross MOTION for Summary Judgment filed by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 10/22/2018)
12/20/2018	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/20/2018)
08/08/2019	<u>22</u>	ORDER granting in part and denying in part <u>15</u> Defendants' Renewed Motion for Summary Judgment; and granting in part, denying in part, and holding in abeyance <u>16</u> Plaintiff's Cross-Motion for Summary Judgment. It is FURTHER ORDERED that Defendants shall file revised Vaughn indices and declarations consistent with the <u>23</u> Memorandum Opinion by no later than October 7, 2019. It is FURTHER ORDERED that the parties shall submit a joint status report by no later than November 6, 2019, with a recommendation for further proceedings. Signed by Judge Emmet G. Sullivan on 8/8/2019. (lcegs3) (Entered: 08/08/2019)
08/08/2019	<u>23</u>	MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on 8/8/2019. (lcegs3) (Entered: 08/08/2019)
08/08/2019		ENTERED IN ERROR.....Set/Reset Deadlines: Defendant Central Intelligence Agency Motion For Summary Judgment due by 9/12./2019. Plaintiffs Cross-Motion For Summary Judgment due by 10/10/2019. CIA Single Memorandum due by 10/31/2019. Plaintiffs Reply Memorandum In Support Of Their Motion due by 11/14/2019. (mac) (Entered: 08/08/2019)
09/27/2019	<u>24</u>	Consent MOTION for Extension of Time to File <i>Revised Vaughn Indices and Declarations</i> by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 09/27/2019)
09/27/2019		MINUTE ORDER granting <u>24</u> Consent Motion for Extension of Time to File Revised Vaughn Indices and Declarations. The parties shall adhere to the following modified deadlines: (1) Defendants shall file the revised Vaughn indices and declarations by no later than November 6, 2019; and (2) the parties shall file a joint status report by no later than December 6, 2019. Signed by Judge Emmet G. Sullivan on 9/27/2019. (lcegs3) (Entered: 09/27/2019)
09/27/2019		Set/Reset Deadlines/Hearings: Revised vauhn indices and declarations due by 11/6/2019. Joint Status Report due by 12/6/2019. (zcdw) (Entered: 09/27/2019)
11/06/2019	<u>25</u>	Vaughn Index <i>and Declarations (Revised)</i> . (Attachments: # <u>1</u> Declaration of Michael Bogomolny (DOC) w/ Exhibits, # <u>2</u> Declaration of Rachel K. McRae (OGE) w/ Exhibit)(Cirino, Paul) (Entered: 11/06/2019)
12/06/2019	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Cirino, Paul) (Entered: 12/06/2019)

12/09/2019		MINUTE ORDER. In view of the <u>26</u> Joint Status Report, the parties are directed to file a joint status report by no later than January 31, 2020, proposing a recommendation for further proceedings. In the event that the parties agree to dismiss this case, the parties shall file an appropriate stipulation. Signed by Judge Emmet G. Sullivan on 12/9/2019. (lcegs3) (Entered: 12/09/2019)
12/10/2019		Set/Reset Deadlines: Joint Status Report due by 1/31/2020. (mac) (Entered: 12/10/2019)
01/31/2020	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Cirino, Paul) (Entered: 01/31/2020)
01/31/2020		MINUTE ORDER. In view of the <u>27</u> Joint Status Report, the parties are directed to file another joint status report by no later than February 27, 2020, proposing a recommendation for further proceedings. The parties shall file a proposed order with each joint status report. In the event that the parties agree to dismiss this case, the parties shall file an appropriate stipulation. Signed by Judge Emmet G. Sullivan on 1/31/2020. (lcegs3) (Entered: 01/31/2020)
02/03/2020		Set/Reset Deadlines: Joint Status Report due by 2/27/2020. (mac) (Entered: 02/03/2020)
02/27/2020	<u>28</u>	STRICKEN PURSUANT TO MINUTE ORDER FILED ON 02/27/2020.....Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Cirino, Paul) Modified on 2/28/2020 (jf). (Entered: 02/27/2020)
02/27/2020		MINUTE ORDER. On January 31, 2020, the Court directed the parties to file a joint status report by no later than February 27, 2020, and the Court ordered the parties to file a proposed order with each joint status report. Min. Order of Jan. 31, 2020. On February 27, 2020, the parties filed the joint status report without a proposed order. The parties are FORTHWITH DIRECTED to refile the joint status report in accordance with the Court's Minute Order of January 31, 2020. The Clerk of Court is directed to STRIKE the parties' <u>28</u> Joint Status Report. Signed by Judge Emmet G. Sullivan on 2/27/2020. (lcegs3) (Entered: 02/27/2020)
02/27/2020	<u>29</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 02/27/2020)
02/27/2020		MINUTE ORDER. In view of the <u>29</u> Joint Status Report, the parties are directed to file another joint status report by no later than March 30, 2020, updating the Court on the status of the parties' efforts to resolve Plaintiff's claim for attorneys' fees. In the event that the parties agree to dismiss this case, the parties shall file an appropriate stipulation. Signed by Judge Emmet G. Sullivan on 2/27/2020. (lcegs3) (Entered: 02/27/2020)
02/28/2020		Set/Reset Deadlines: Joint Status Report due by 3/30/2020. (mac) (Entered: 02/28/2020)
03/30/2020	<u>30</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 03/30/2020)
03/30/2020		MINUTE ORDER. In view of the <u>30</u> Joint Status Report, the parties are directed to file another joint status report by no later than April 27, 2020, updating the Court on the status of the parties' efforts to resolve Plaintiff's claim for attorneys' fees. In the event that the parties agree to dismiss this case, the parties shall file an appropriate stipulation. Signed by Judge Emmet G. Sullivan on 3/30/2020. (lcegs3) (Entered: 03/30/2020)
03/31/2020		Set/Reset Deadlines: Joint Status Report due by 4/27/2020. (mac) (Entered: 03/31/2020)
04/27/2020	<u>31</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Cirino, Paul) (Entered: 04/27/2020)

04/27/2020		MINUTE ORDER. In view of the <u>31</u> Joint Status Report, the parties are directed to file another joint status report by no later than June 4, 2020, updating the Court on the status of the parties' efforts to resolve Plaintiff's claim for attorneys' fees. In the event that the parties agree to dismiss this case, the parties shall file an appropriate stipulation. Signed by Judge Emmet G. Sullivan on 4/27/2020. (lcegs3) (Entered: 04/27/2020)
04/28/2020		Set/Reset Deadlines: Joint Status Report due by 6/4/2020. (mac) (Entered: 04/28/2020)
06/04/2020	<u>32</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 06/04/2020)
07/02/2020	<u>33</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. OFFICE OF GOVERNMENT ETHICS. (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 07/02/2020)
07/02/2020		MINUTE ORDER. In view of <u>33</u> Joint Status Report, the parties are directed to file another joint status report by no later than July 16, 2020, updating the Court on the status of the parties' efforts to resolve Plaintiff's claim for attorneys' fees. In the event that the parties agree to dismiss this case, the parties shall file an appropriate stipulation.Signed by Judge Emmet G. Sullivan on 7/2/2020. (lcegs1) (Entered: 07/02/2020)